IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3004 OF 2005.

Hindi Vidya Bhavan & Anr. ... Petitioners.

V/s.

The State of Maharashtra & ors. ... Respondents.

F.Dubash i/b. Federal & Rashmikant
for the petitioners.

M.R.Belosay, A.G.P. for the respondents.

CORAM: V.C.DAGA, J.

DATED: 18th January 2006.

P.C.:

. Heard learned counsel for the rival parties.

2. Learned counsel for the petitioners submits that in view of the availability of alternate remedy under section 267 of the Maharashtra Land Revenue Code, 1966, the petitioners would like to exhaust alternate remedy. He, therefore, seeks permission to withdraw this petition with liberty to approach the revisional authority.

3. The petitioner is expected to approach the revisional authority within two weeks from today with appropriate prayer for interim relief. After receipt of revision and application for interim relief, the revisional authority is directed to

consider the prayer for interim relief within two weeks thereof.

4. Till the consideration of application for interim relief by the revisional authority, the interim relief granted by this Court vide order dated 19th December, 2005 shall continue. Extension of interim relief should not be construed as the order granted on merits of the matter. It would be open for the revisional authority to consider the matter afresh on its own merits without getting influenced by the impugned order. All rival contentions are kept open.

5. If the petitioners file revision, then, in that event, the revisional authority is expected to hear the revision as expeditiously as possible, at any rate, within four months from the date of its lodging. It would be open for the petitioners to move the revisional authority for condonation of delay, which the revisional authority shall consider; considering pendency of the petition in this Court.

6. Writ petition stand dismissed as withdrawn with aforesaid liberty reserved in favour of the petitioners with no order as to costs.

(V.C.DAGA, J.)